

V. Review Criteria for Lake Concept Plans

The following criteria are considered when justifying the rezoning within this lake concept plan. After each criterion is listed the provisions of this lake concept plan to meet or exceed these criteria.

A. Statutory Rezoning Criteria

Under provisions of the Commission's statute, 12 MRSA §685-A (8-A), no change in a district boundary may be approved unless there is substantial evidence that:

- A. The proposed land use district is consistent with the standards for district boundaries in effect at the time; the Comprehensive Land Use Plan; and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
- B. The proposed land use district satisfies a demonstrated need in the community or area and has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

Provisions

This lake concept plan contains the current Land Use Standards for the districts that it replaces in the Appendices 2-8. In addition, deeded covenants (Appendix 1) for the development area restrict building size, height, type, lot clearing, noise and light levels.

The following provides assurance that the area proposed for development reflects the guidelines of the Comprehensive Land Use Plan:

- 1. Placed in Permanent Conservation – 1,055 +/- acres including in aggregate 3.3 miles of shore frontage on Whetstone Pond, Foss Pond and the Hilton Ponds and 6,600 feet along Thorn Brook.
- 2. Place in a “no-development” 15-year conservation area - 10,765 +/- acres available for primitive recreational use.
- 3. A plan for development that places a majority of proposed development on ponds (Whetstone and Foss Ponds) with existing development.
- 4. Allowances that traditional uses of the land remain available (such as hunting, fishing, snowmobiling and forest management).

The need for quality shorefront lots is evident by:

- 1. The number of request received by local real estate professionals in the Abbot and Greenville areas.

2. The growth rate in these areas is increasing each year and the demand for quality shorefront lots are in high demand. The sales pattern, of a recent lake concept plan near Greenville, supports this fact.
3. The opportunity to increase business of consumer services providers, including building contractors, surveyors, recreational vehicle service providers, grocery stores, and sporting supply stores.
4. The support of the Piscataquis County Commissioners who view the proposed development as a favorable impact to Kingsbury Plantation and Piscataquis County.

In order to ensure that no undue adverse impacts on existing uses or resources, the proposed plan provides the following information:

1. The proposed pond development is limited to the ponds that already have dwellings.
2. The proposed interior woodland lots and pond lots are accessible by an established forest management road system that is accessible by 2-wheel drive vehicle during 3 seasons of the year.
3. Development Restrictions (Appendix 1) that limit size of dwelling and clearing limits between pond and dwelling.
4. Development Restrictions and Deed Covenants (Appendix 1) and Land Use Standards (Appendix 2-8) are part of this Concept Plan, enabling the applicant, the Land Use Regulation Commission, and other agencies to review and if necessary enforce the land uses to prevent undue adverse impacts.
5. The Piscataquis County Commissions and the Sheriff's department feel the services required by the proposed development will be minimal.
6. The Kingsbury Plantation Assessors have agreed that if provisions are made to limit the proposed development to seasonal use only lots (Deed Covenant -Appendix 1), then the proposed development will have minimal impact to the services provided by the Kingsbury Plantation.

A new district designation is more appropriate for the following reasons:

1. This designation is a means for the landowner to place more restrictive measures (a reduction in allowed uses), thereby providing more protection of natural resources of a substantial land area.
 - a. The area proposed for Resource Plan Protection, P-RP, establishes that over 3.3 miles of shorefront along Whetstone, Foss and the Hilton Ponds and 1.2 miles of shorefront along Thorn Brook will be placed in perpetuity conservation vs. the present zoning of P-GP and M-GN that could allow for the potential development (dwellings) of these shorefronts in the future, either through rezoning to development subdistricts for subdivisions or through incremental development of two lots every five years without any regulatory oversight.
 - b. The owner has proposed a more restrictive zoning than the existing protection subdistricts in place and applied these land use standards to the entire Lake Concept Plan. The P-RP zoning also provides additional restrictions within areas presently zoned P-WL, P-FW and P-SL subdistricts.

2. Because the area is a fringe township (< 5 miles to Abbot village and the abutting 3 organized towns) and accessible by 2-wheel drive vehicle, the area has many visitors. It is important to establish this area as a P-RP area, so that others (visitors, abutters, and planners) are aware of the important conservation values that exist in the area. Protecting the shoreline along Whetstone, Foss, and the Hilton Ponds and along Thorn Brook through the implementation of this Concept Plan is an important conservation tool with benefits not only in Kingsbury Plantation, but also for the State of Maine.
3. The permanent conservation of potentially developable shoreline coupled with placing a large land area in a 15-year conservation will reduce the need for repetitious permit applications to the Commission.
4. The new designation allows the Commission (and the people of Maine) to have more predictability on how the ponds and the lands within the Lake Concept Plan should be developed.
5. The plan offers a reasonable balance between development while providing for long-term conservation of pond resources (greater than 3.3 miles of shorefront and 1,055 +/- acres placed in perpetuity conservation and over 10,765 +/- acres of land placed in a 15-year conservation area).

**B. Consistency with the Comprehensive Land Use Plan:
Goals and Policies for Development (p. 140-142)**

- A. Location of Development – Encourages orderly growth proximate to existing, compatibly developed areas (p 141). Encourages residential development near existing towns and communities where it can be efficiently served by existing services, facilities and utilities (p 140).
- B. Economic Development – Encourage resource-based enterprises that further the tradition of multiple uses w/o diminishing the jurisdiction's principal values (p 141).
- C. Site Review – Harmonious fit. Require use of buffers, building setbacks to maintain scenic quality. Adequate parking & traffic circulation, limit number and size of signs, prevent cumulative impacts from incremental development, discourage unnecessarily large lot sizes and encourage clustering & open space (141-142).
- D. Infrastructure – well planned, no adverse impact. Utilities located within existing Right-of-Way of new roads to plan for future growth and public access (142).
- E. Development Rate, Density and Type (142).

Provisions

Location of Development:

The location of the proposed development on the ponds is adjacent to or within several hundred feet of existing seasonal dwellings on Whetstone and Foss Pond. The proposed dwellings are near several organized towns (Abbot, Guilford, and Monson) that can provide services to the dwellings. The proposed development on the eastern shore of Whetstone Pond has access to utilities (electric and telecommunication).

The location of the proposed development on Happy Corner Road is consistent with the existing development established along this road as accessed from State Rte. 16.

The location of the proposed development along Thorn Brook is consistent with the use of this area, as seasonal campers use the areas adjacent to Thorn Brook. These areas are also adjacent to the development on Whetstone Pond, Happy Corner Road, and Foss Pond.

The location of the proposed development along the “300” Road and Crocket Ridge Road are located away from the core area of development and access. The use of these dwellings has been expressed as hunter cabins and as such the remoteness from the developed area will have minimal impact to the traditional uses of the more accessible and developed areas.

Economic Development:

The traditional uses of this area are primitive recreational use and wood harvesting. A blend of seasonal dwellings along the shorefront and on the interior land will provide services required of real estate professionals, surveyors, contractors, and propane suppliers, along with support services of convenience stores. The woodland use will remain in timber production and will also be available for primitive recreational use.

Site Review:

Each lot has a 100’ building setback from the normal high water mark, 15’ setback from property lines, and 50’ setback from the access road. Development Restrictions and Deeded Covenants (Appendix I) are included to restrict building size, color, noise, signage, clearing, and lighting so that the development blends into the existing character of the ponds. Because of the size of the lots being greater than 43,560 sq. ft (1 acre) and the clearing limits of 10,000 sq. ft. within 250 feet of the ponds, natural buffer areas are created.

The lots sizes and locations are clustered so as to provide for adequate soils for subsurface septic systems, provide for adequate privacy between dwellings, and to ensure that clearings are separated to provide undeveloped portions of shorefront between dwellings. The lots sizes are small enough to enable the use of common drives.

Proposed development access is gained by existing roads. Short access roads and drives (<1000 feet) may be required to the shorefront development on Foss and Whetstone Pond. These drives and roads will be developed in accordance with Land Use Standards and with the coordination of the State Soil Scientist.

Foss Pond, Thorn Brook, Whetstone Pond (southwest side), Crocket Ridge Access

The traffic flow presently uses the “1100” Road (inbound) and “900” Road (outbound) to access Foss Pond and the western shore of Whetstone Pond. The access is on forest management roads.

Whetstone Pond (southeast side) and Thorn Brook Access

An existing county road, camp owners association road, and a forest management road access the eastern shore of Whetstone Pond and Thorn Brook

Due to the fact that the development is in different areas and the limited amount of development compared to the physical size of the property, traffic circulation is not an anticipated problem.

Limits on building size and height, outdoor lighting, noise, and lot clearings are part of the deeded covenants assuring that the scenic quality will be maintained.

Infrastructure:

Electrical overhead lines are present along the roadway that accesses the proposed lots on the southeastern side of Whetstone Pond. Any other overhead utilities will be placed along existing or new roadways so that impact is held to a minimum. Underground utilities are allowed on the lots, and along camp roads within the right of way when crossing the conservation easement.

Wells and subsurface septic systems are allowed on each lot and will be built in accordance with Maine Plumbing Code.

Development Rate, Density and Type:

The proposed rate of development is 38 units for a fifteen-year period on 11,920 acres of land, which equates to a build-out rate of 2.5 lots per year or 1 dwelling per 313 acres. In comparison, twenty (20) building permits have been issued in the past 2 years in Kingsbury Plantation.

The types of dwellings proposed are single-family dwellings with up to 2 accessory structures. Deed restrictions limit size, height and color and number of accessory structures.

The lots cannot be further subdivided.

This plan proposes 16 single-family seasonal pond shorefront lots and 22 single-family seasonal interior woodland lots in a 15-year period. This plan provides a predictable pattern of where development will occur for the next 15-years.

Permanent conservation and a large 15-year conservation land area have been placed around and between the developed lots, providing an assurance of no further development on Foss Pond, Hilton Ponds, and Linkletter & Sons, Inc.'s ownership on Whetstone Pond.

Vehicle access to Foss Pond, Whetstone Pond (southwestern side), and the interior lots, is based on seasonal road conditions. The removal of snow for vehicle access is not required of the applicant. No electrical power is available at these lots. The traditional use of the existing lots on Foss Pond has been seasonal use. Because of these facts, the foreseeable use of the dwellings on Foss Pond, Whetstone Pond (southwestern side), and interior lots is recreational and seasonal use.

The proposed development cannot be used as adjacency criteria for any future development.

C. Standards for P-RP Subdistrict Boundaries

Under provisions of 10.16, F, 6 of the Commission's Land Use Districts and Standards, the Commission may approve a Concept Plan and any associated redistricting to the Resource Plan Protection (P-RP) Subdistrict if the following criteria are satisfied:

- A. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts that it replaces. In the case of concept plans, this means that any

- development gained through any waiver of the adjacency criterion cited in the Commission's *Comprehensive Land Use Plan* is matched by comparable conservation measures;
- B. The plan includes in its purpose the protection of those resources in need of protection; and
 - C. Conservation measures apply in perpetuity, except where it is demonstrated that other alternative conservation measures fully provide for long-term protection or conservation
 - D. The plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources.

Provisions:

By limiting growth within 11,920 acres of land to 38 units in the next fifteen years, by placing 1,055 +/- acres of land in permanent conservation, and by placing over 10,765 +/- acres of land in a "no-development" 15-year conservation area, a commitment is established by Linkletter & Sons, Inc. to continue the traditional forest management and primitive recreational use of the land as has been enjoyed in the past.

The Concept Plan, taken as a whole places ninety-nine (99) percent of the lands within its boundary in some form of conservation, either permanent or "no-development" status. The lands placed in permanent conservation easement around Foss Pond and the Hilton Ponds aid in protecting the natural resources of the ponds, particularly the aquatic wildlife and fisheries resources. The protection of wetland and upland areas, at the outlet of Whetstone Pond and along Thorn Brook, aid in the protection of the natural resources, especially the fishery resources.

The Concept Plan places over 3.3 miles of pond shoreline and 1.2 miles of Thorn Brook shoreline in permanent conservation.

The plan includes Development Restrictions and Deed Covenants (Appendix 1) and Land Use Standards (Appendix 2-8) to assure that the protection of Kingsbury Plantation is at least as protective as presently zoned.

D. Review Criteria for Residential Development within the Concept Plan

The Commission shall review all subdivision applications associated with this Concept Plan in accordance with the statutory criteria for approval regarding technical and financial capability, traffic and circulation, soils and environmental fit (12 M.R.S.A. section 685-B(4)). In addition, the review standards for structures adjacent to lakes (Section 10.13,B,2 of the Commission's Land Use Districts and Standards), as further elaborated below, must be met for all subdivisions proposed on land adjacent to Whetstone and Foss Ponds and located within the Concept Plan area.

All lots on which structural development is proposed, including all proposed subdivisions, must comply with the State's environmental laws (Section 10.13,B,1,(A), including the dimensional requirements of Section 10.17,B,1 of the Commission's Land Use Districts and Standards.

Review Criteria for Structures Adjacent to the Ponds

1. Natural and Cultural Resource Value

Foss Pond has received a "significant" rating for fisheries. Whetstone Pond has received "significant" ratings for fisheries and physical features. The Lake Concept Plan in preserving these values has limited development to 18 acres on Whetstone Pond and 11 acres on Foss Pond. Linkletter & Sons, Inc. proposes to place 315 acres south of Whetstone Pond and 740 acres around Foss Pond and the Hilton Ponds that includes a large amount of the shoreline (17,300 ft.) into permanent conservation. In preserving the shorelines, Linkletter & Sons, Inc. commits to leave much of Foss Pond and all of the Hilton Ponds undeveloped, so others can enjoy the natural resources.

2. Water Quality

The water quality within the proposed development areas is very important to Linkletter & Sons, Inc.. The lake's water quality is directly reflected in its "significance" fisheries rating. Linkletter & Sons, Inc. has completed the following actions to ensure this water quality is maintained:

- a. A Preliminary Phosphorus Impact Analysis for the new development has been performed. Buffer areas along roadways have been identified to reduce phosphorus impact, and these buffer areas will be included as deed restrictions in the subdivision phase of permitting.
- b. Requirements that septic systems be located at least 100' from the shoreline.
- c. Linkletter & Sons, Inc. commits to erosion control measures to be used in accordance with the guidelines for vegetative stabilization and best management practices or other equally effective methods. These guidelines will be part of the subdivision phase of permitting as an Erosion and Sedimentation Control Plan.

3. Traditional Uses

The lands included within the Concept Plan area have historically been in private ownership. In the past, the traditional uses associated with this area have been allowed with landowner permission.

Whetstone Pond, Foss Pond, and the Hilton Ponds and the interior woodlands within this Concept Plan have traditionally been used for seasonal lakeshore camps and recreational activities such as hunting, camping, fishing, and forest management purposes. In order to ensure that these traditional uses are preserved, a significant percentage of the shorefront is placed in permanent conservation easement and a major tract of interior land is placed in a 15-year “no development” conservation area. The Concept Plan does allow the traditional uses of the land in the conservation area, however the landowner reserves the right to restrict access around operational forest management areas and to those who do not respect the conservation values of the Concept Plan. Specific provisions are made for timber harvesting within the permanent conservation easement area.

4. Regional Diversity

The area in which the proposed development lies is adjacent to Abbot Village, and along a major access route to the Moosehead Lake Region of Maine. The Moosehead Lake Region has seen greatly expanded growth in residential and seasonal dwellings in the past 20 years. This growth is due in part to the demand of shorefront property and the easy access of state and private roads.

Linkletter & Sons, Inc., has recognized the growth pattern in the Moosehead Lake Region, but is also concerned with maintaining their continuous land holdings as large tracts of land devoted to forest management. By limiting the size and physical location of the proposed development areas, Linkletter & Sons, Inc. is proposing to seek a balance between planned development that fits with the growth pattern in the Moosehead Lake Region and providing a means to pay property taxes on their contiguous land holdings.

5. Natural Character

In order to ensure that the dwellings blend with the natural character of traditional pond side dwellings, the Concept Plan includes Development Restrictions and Deed Covenants (Appendix 1) on building size, material, color and height, as well as noise and clearing limits. The Concept Plan includes Land Use Standards (Appendices 2-8).

6. Lake Management Goals

By giving up development equity rights and protecting the majority of the shorefront of Foss Pond, part of Whetstone Pond, and all of the Hilton Ponds, Linkletter & Sons, Inc. has greatly aided in the Lake Management Goals of the State of Maine.

7. Landowner Equity

Linkletter & Sons, Inc. owns the entire shorefront of the Hilton and Foss Ponds. Linkletter & Sons, Inc. owns 17.9 percent of the shorefront of Whetstone Pond.

Linkletter & Sons, Inc. gives up its entire development equity on the Hilton Ponds.
Linkletter & Sons, Inc. gives up 79 percent of its development equity on Foss Pond.
Linkletter & Sons, Inc. gives up 34 percent of its development equity on Whetstone Pond.

This reduction in development has a significant monetary value.

Because development is restricted other landowner's rights increase. These rights are:

- a. Fewer developed lots will ensure that the water quality is preserved.
- b. As a large undeveloped shorefront preserves the natural character of the ponds, it establishes the character of the pond other landowners (lessees) have come to expect.
- c. By limiting development of the available shorefront, the monetary value of other shorefront lots will continue to increase. (Historically shorefront lot prices have increased, especially if surrounded by undeveloped areas)

Provisions for Section 10.17,B,1 and 10.13,B,1A of the Land Use Districts and Standards

The Concept Plan lots will comply with the State's environmental laws, site location, protection of natural resources, and provisions for solid waste and sewage disposal, and maintaining a healthy water supply.

Lot Dimensions

The lots are greater than 1 acre in size but less than 3.5 acres in size and have a minimum of 200 feet shorefront, (except for the cluster of lots having 150 feet shore frontage on Whetstone Pond). The minimum setbacks include 100 feet from the normal high water mark, 50 feet from the access road and 15 feet from side property lines.

Clearing Limits & Shared Drive

The clearing limits within 100-feet of the shorefront is limited to a 100 foot wide area and must be in accordance with Appendix 5,A. The clearing limits aid in establishing a wooded buffer area between dwellings, thereby preserving a natural shoreline to protect natural resources.

Where possible the use of shared drives will be used in order to reduce the amount of disturbance to the natural resources and to reduce the impact of phosphorus.

Solid Waste Disposal

Kingsbury Plantation Assessors contract with Brighton Plantation in the use of the Transfer Station. The proposed dwellings would have access to Brighton Plantation Transfer station as a Kingsbury Plantation taxpayer.

Sewage Disposal

Each lot is allowed to have a subsurface disposal field or privy. The design and construction is to be in accordance with Maine Plumbing Code.

Healthy Water Supply

Dwelling setbacks, sewage disposal in accordance with Maine Plumbing Code, limited clearing on each lot, restriction on pond water usage, combined with seasonal usage aids in ensuring that the ponds remain healthy.

E. Criteria for Management of Lakes (Ponds) within the Concept Plan

The Wildlands Lakes Assessment, initiated in 1996 by LURC, established a systematic base of natural resources and land use information on all lakes within the Commission's jurisdiction. The assessment classifies each lake based on management classes and resource class. The ponds within the lake concept plan are classified as follows:

- **Whetstone Pond** is classified as a **Management Class 5, Resource Class 2** pond.
- **Foss Pond** is classified as a **Management Class 7, Resource Class 2** pond.
- The **Hilton Ponds** are classified as a **Management Class 7, Resource Class 3** pond.

Management Class 5

Consist of heavily developed lakes. The commission seeks to maintain natural qualities associated with these lakes, enhance scenic value, and retain some undeveloped shoreline requiring cluster development on these lakes except where clearly inappropriate due to site characteristics.

Management Class 7

Consist of all lakes not otherwise classified. Many of these lakes have multiple outstanding or significant resources values identified in the Wildland Lakes Assessment. The Commission will manage these lakes for multiple uses, including resource conservation, recreation, and timber production, giving specific consideration to identified resource values when evaluating the merits of lake-related rezoning and permit applications.

Resource Class

- 1A = Lakes with statewide significance with two or more outstanding values
- 1B = Lakes with statewide significance with one outstanding value
- 2 = Lake of regional significance (with no outstanding values but at least one significant resource value)

- 3 = Lake of local or unknown significance (either had no significant or outstanding natural value or information was inadequate to make a determination)

Provisions:

The Hilton Ponds are placed in permanent resource conservation that will provide for primitive recreational activities and timber production.

Foss Pond development is limited to 7 new lots and 5 existing lots. Seventy-nine (79) percent of Linkletter & Sons, Inc. shorefront ownership is placed in permanent conservation easement that will provide for primitive recreational activities and timber production.

Whetstone Pond development is limited to nine (9) new lots on the southern portion of the pond. Thirty-four (34) percent of Linkletter & Sons, Inc. shorefront ownership is placed in permanent resource conservation, including some developable shorefront, that will provide for primitive recreational activities and timber production.